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10/661,527	09/15/2003	Ikuya Arai	HIT 2 690-10	8024

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER
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KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2629

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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,527	<b>Applicant(s)</b> ARAI ET AL.	
	<b>Examiner</b> Srilakshmi K. Kumar	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 19-22 and 24-27 is/are rejected.
- 7) ☐ Claim(s) 18 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The following office action is in response to the amendment filed on August 21, 2007. Claims 16-27 are pending. Claims 16, 21 and 27 have been amended.

***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 16, 18, 21, 23, 26 and 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 5,457,473.

Although the conflicting claims are not identical, they are not patentably distinct from each other as shown in the comparison table below.

Instant Application 10/661527	US 5,457,473
Claim 16	Claim 1
A display apparatus connectable to an external computer for displaying an image on a screen on the basis of video and	A display unit for connection to an outside computer which outputs a video signal, a synchronizing signal, and a command signal

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<p>synchronization signals from said external computer, comprising:</p> <p><i>a memory which is within said display apparatus;</i></p> <p>a receiver which receives a control signal to control said displayed image, which is generated by operating an input unit of said external computer wherein said display apparatus is configured to be separate from said external computer;</p> <p>and a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory,</p> <p>wherein, when said display apparatus is turned on, said control circuit reads control data from said memory and controls said displayed image on said screen by using said control data read out from said memory.</p>	<p>which carries commands for controlling display position and size adjustment, the command signal being output on a two-way command signal line which is independent of lines carrying the video and synchronizing signals, the display unit including:</p> <p>a video circuit which receives and demodulates the video signal;</p> <p>a deflection circuit which receives the synchronizing signal and generates vertical and horizontal deflection signals therefrom;</p> <p>a display device connected with the video circuit and the deflection circuit for converting the video signal and the vertical and horizontal deflection signals into a display;</p> <p>a communication and control circuit having an input connected with the command signal line, the communication and control circuit receiving the command signal from the outside computer by the command signal line and having an output connected with the deflection circuit for controlling the deflection circuit to adjust position and size of the human-readable display in accordance with the display position and size adjustment information carried by the command signal, the communication and control circuit further generating feedback signals that are transmitted on the command signal line to the outside computer.</p>
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As shown from the table above, the claims, while not exact, are similar to one another.

The combination of the receiver and control circuit of the instant application corresponds to the video circuit and deflection circuit of the patented case. The instant application claims a memory within the display which is not claimed by the patent case. Examiner takes Official Notice that a memory which is within said display apparatus is well known. It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to include internal memory in a display device as the internal memory enables images to be displayed. Therefore, the claims of both the instant application and patented case claim similar subject matter.

While only claim 16 is compared with claim 1, below is a claim correspondence table for the remaining claims.

Instant application	US 5,457,473
18	3
21	1
23	1
26	1
27	1

3. Claims 19, 20, 24 and 25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,457,473 in view of Akatsuka et al. (US 5,047,754).

With respect to claims 19 and 24, the instant application further teaches where the input unit is a mouse. The US Patent 5,457,473 fails to claim where the input unit is a mouse. Akatsuka et al teach in Fig. 12, item 35 an input unit shown as a mouse. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a mouse in order to enable the user to easily select objects from the display.

With respect to claims 20 and 25, the instant application further teaches where the input unit is a keyboard. The US Patent 5,457,473 fails to claim where the input unit is a keyboard.

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Akatsuka et al teach in Fig. 12, item 36 an input unit shown as a keyboard. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a keyboard in order to enable the user to enter word processing and document information.

4. Claims 16, 18, 21, 23, 26 and 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,057,812.

Although the conflicting claims are not identical, they are not patentably distinct from each other as shown by the comparison table below.

Instant Application 10/661527	US 6,057,812
Claim 16	Claim 1
<p>A display apparatus connectable to an external computer for displaying an image on a screen on the basis of video and synchronization signals from said external computer, comprising:</p> <p>a memory which is within said display apparatus;</p> <p>a receiver which receives a control signal to control said displayed image, which is generated by operating an input unit of said external computer wherein said display apparatus is configured to be separate from said external computer;</p>	<p>A computing system comprising: a computer which outputs (i) image data including a video signal portion and a synchronization signal portion, (ii) a first control signal that carries displayed image size and position, (iii) a second control signal which is generated by a program that is previously programmed for operating a computer body, and which receives a feedback signal;</p> <p>a display unit for receiving the image data and the first and second control signals from the computer and for outputting a reception confirmation as the feedback signal which indicates confirmation of receiving the first or second control signal for communication to the computer, the display unit including:</p> <p>a video circuit for receiving the video signal portion included in the image data;</p> <p>a driving circuit for receiving the synchronization signal portion included in the</p>

<p>and a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory,</p> <p>wherein, when said display apparatus is turned on, said control circuit reads control data from said memory and controls said displayed image on said screen by using said control data read out from said memory.</p>	<p>image data;</p> <p>a display device controlled by signals from the video and driving circuits to generate the displayed image;</p> <p>a memory which stores control data concerning display control, the memory receiving the second control signal and reading out corresponding control data;</p> <p>a display controller which (i) receives image data and at least the first control signal from the computer, (ii) supplies the video signals to the video circuit and the synchronization signals to the driving circuit, (iii) controls the driving circuit to control at least one of the size and position of the displayed image in accordance with at least one of the first control signal from the computer and the stored control data which is read out from the memory, and (iv) supplies the reception confirmation feedback signal from the display unit to the computer; and</p> <p>a common bi-directional interface cable for carrying the image data and the first and second control signals from the computer to the display unit and for carrying the reception confirmation signal from the display unit to the computer.</p>
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As shown from the table above, the claims, while not exact, are similar to one another. The patented case teaches narrower limitations in comparison to the instant application.

Instant application	US 6,057,812
18 and 23	1

21	1
26	1
27	1

5. Claims 19, 20, 24 and 25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,057,812 in view of Akatsuka et al. (US 5,047,754).

With respect to claims 19 and 24, the instant application further teaches where the input unit is a mouse. The US Patent 6,057,812 fails to claim where the input unit is a mouse. Akatsuka et al teach in Fig. 12, item 35 an input unit shown as a mouse. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a mouse in order to enable the user to easily select objects from the display.

With respect to claims 20 and 25, the instant application further teaches where the input unit is a keyboard. The US Patent 6,057,812 fails to claim where the input unit is a keyboard. Akatsuka et al teach in Fig. 12, item 36 an input unit shown as a keyboard. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a keyboard in order to enable the user to enter word processing and document information.

6. Claims 16, 18, 21, 23, 26 and 27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,304,236.

Although the conflicting claims are not identical, they are not patentably distinct from each other as shown from the comparison table below.



Instant Application 10/661527	US 6,304,236
Claim 16	Claim 1
<p>A display apparatus connectable to an external computer for displaying an image on a screen on the basis of video and synchronization signals from said external computer, comprising:</p> <p>a memory which is within said display apparatus;</p> <p>a receiver which receives a control signal to control said displayed image, which is generated by operating an input unit of said external computer wherein said display apparatus is configured to be separate from said external computer;</p> <p>and a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory,</p> <p>wherein, when said display apparatus is turned on, said control circuit reads control data from said memory and controls said displayed image on said screen by using said control data read out from said memory.</p>	<p>A display apparatus which receives a video signal and a synchronization signal from an external computer, and which displays an image in accordance with the video signal and the synchronization signal on a screen, the display apparatus comprising:</p> <p>an interface circuit which receives a control signal which is generated by a program that is previously programmed in software used for operating the external computer; and</p> <p>a memory which stores control data concerning display control, the stored control data is read out by the control signal from the interface circuit;</p> <p>wherein the displayed image is adjusted in accordance with the control data which is read out from the memory; and</p> <p>wherein said interface circuit transmits a reception confirmation signal to the external computer, the reception confirmation signal indicates receiving the control signal from the external computer.</p>

While claim 16 of the instant application and claim 1 of the patent case are not exactly the same, they are similar and have corresponding claimed limitations as shown from the

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comparison able above. The receiver and control circuit of the instant application corresponds to the interface circuit of the patented case.

Instant application	US 6,304,236
18 and 23	1
21	1
26	1
27	1

7. Claims 19, 20, 24 and 25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,304,236 in view of Akatsuka et al. (US 5,047,754).

With respect to claims 19 and 24, the instant application further teaches where the input unit is a mouse. The US Patent 6,304,236 fails to claim where the input unit is a mouse. Akatsuka et al teach in Fig. 12, item 35 an input unit shown as a mouse. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a mouse in order to enable the user to easily select objects from the display.

With respect to claims 20 and 25, the instant application further teaches where the input unit is a keyboard. The US Patent 6,304,236 fails to claim where the input unit is a keyboard. Akatsuka et al teach in Fig. 12, item 36 an input unit shown as a keyboard. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the input unit as a keyboard in order to enable the user to enter word processing and document information.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 16, 17, 19-22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel et al (US 4,415,985) in view of Akatsuka et al (US 5,047,754).

As to independent claims 16, 21 and 26, McDaniel et al disclose a display apparatus (Fig. 1, item 64) to an external computer (Fig. 1, item 50) for displaying an image on a screen on the basis of video and synchronization signals from said external computer (col. 6, lines 15-25), comprising; a memory (Fig. 1, item 6, col. 3, lines 27-29, col. 4, lines 1-2); a receiver which receives a control signal to control said image, which is generated by operating an input unit of said external computer (col. 5, lines 60-col. 6, lines 10, col. 10, lines 24-39), wherein said display apparatus is configured to be separate from said external computer (Fig. 1, item 64); a control circuit which controls said image on said screen using control data included in said control signal received through said receiver and writes said control data into said memory (col. 5, lines 64-col. 6, lines 10); wherein said control circuit reads control data from said memory when said display apparatus is turned on and controls said image on said screen by using said control data read out from said memory (col. 6, lines 29-58).

McDaniel does not teach where a memory is within a display apparatus and where the display apparatus is to be separate from said external computer. Akatsuka et al teach in Fig. 12, where the memory (Fig. 12, item 30) is within a display apparatus (21), and where the display

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apparatus (21) is separate from said external computer (27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include internal memory in a display device and have the display apparatus separate from the external computer as taught by Akatsuka et al into McDaniel as the internal memory enables images to be displayed and the display apparatus being separate enables the user to change the types of display apparatus from the external computer.

As to dependent claims 17 and 22, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said memory is made of an eeprom (col. 1, lines 27-29).

As to dependent claims 19 and 24, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said input unit is a mouse (col. 10, lines 31-33).

As to dependent claims 20 and 25, limitations of claims 16 and 21, and further comprising, McDaniel et al disclose wherein said input unit is a keyboard (col. 10, lines 31-33).

As to dependent claim 27, limitations of claim 26, and further comprising, McDaniel et al disclose wherein said visual characteristic of said image is at least one of a display size, a display position and a brightness of said image (col. 6, lines 1-10, shown by where the display size of the characters is changed to double height).

***Allowable Subject Matter***

10. Claims 18 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 18 and 23, the prior art of record does not teach a means for sending an acknowledge signal indicating receipt of said control signal to said external computer.

***Response to Arguments***

11. Applicant's arguments with respect to claims 16-27 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 16, 21 and 26, see new grounds of rejection of McDaniel in view of Akatsuka et al.

Applicant argues where the prior art, McDaniel, does not teach the limitation of "the control circuit reads control data from the memory when the display apparatus is turned on and controls the displayed image on the screen by using the control data read out from the memory". Examiner, respectfully, disagrees. McDaniel teaches in col. 5, lines 60-col. 6, line 10, where the CRT controller generates signals to be used by the CRT and further receives data from the DMA controller and uses it in order to control the characters/images to be displayed on the CRT. And in col. 6, lines 29-58, McDaniel teaches where the control circuit controls image data, control logic, video control, timing, and read-write data.

Applicant argues where McDaniel does not teach the adjustment of a display size, a display position and brightness of a picture in the display unit as explained in the present invention. Applicant does not claim the features of display size, a display position and a brightness of a picture in the display unit. Applicant claims control data which is broadly interpreted.

Please note the Double Patenting rejection above.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K Kumar  
Examiner  
Art Unit 2629



SKK  
November 12, 2007